IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARVIN LEE AKERS,)	
Petitioner)	
)	
VS.)	Civil Action No. 08-1686
)	Judge David Stewart Cercone/
SUPERINTENDENT DAVID)	Magistrate Judge Amy Reynolds Hay
DIGUGLIELMO, et al.; THE)	
DISTRICT ATTORNEY OF THE)	
COUNTY OF ALLEGHENY COUNTY;)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
Respondents)	



AND NOW, this 27 day of

, 2009, after the Petitioner, Marvin

Lee Akers, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until April 17, 2009, to file written objections thereto, and Petitioner's copies of the Report and Recommendation having been returned by his last two known addresses (SCI Graterford and Renewal Center) and no objections having been filed by Respondents, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus [Dkt. 1] is dismissed for failure to prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

DAVID STEWART CERCONE

DAVID STEWART CERCONE United States District Judge

cc: Honorable Amy Reynolds Hay United States Magistrate Judge

> Marvin Lee Akers BW-8375 SCI Graterford P.O. Box 244 Graterford, PA 19426-0244

All Counsel of Record by electronic filing